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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,287	03/03/2000	David A. Foti	04899-034001	6548
7590	01/25/2005		EXAMINER	
Kevin J. Canning, Esq. Lahive & Cockfield, LLP 28 State Street Boston, MA 02109			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>
	09/518,287 Examiner LeChi Truong	FOTI ET AL. Art Unit 2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 November 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-37 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5,7,9,10,12,13,16-19,23,24 and 27-37 is/are rejected.
- 7) Claim(s) 3,4,6,8,11,14,15,20-22,25 and 26 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. Claims 1-37 are presented for the examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 12, 18, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, Jr. et al (US. Patent 5,341,478) in view of Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables).

3. As to claim 1, Travis teaches the invention substantially as claimed including: a set of method signatures (the class name, col 26, ln 25-27/ the name of other class, col 11, ln 39-43/ col 14, ln 67-68), a requested method invocation (the message entries ... which can be performed on instance in the corresponding class, col 3, ln 44-47/ the method of invocation request, col 24, ln 23-25), retrieve a set of method signatures for a method referenced in a requested method invocation (col 8, ln 11-16), each method signature corresponds to a method provided by object within object-oriented environment( col 6, ln 58-62/ col 8, ln 30-35), each signature includes a method name ( col 8, ln 60-67 ), list any data type of input parameters to be received by the corresponding method( col 11, ln 15-21), the data types of input parameters of each method(

types of instance, col 3, ln 39-41/ their types, col 18, ln 39-41), data types of input parameter passed by the requested method invocation( parameter of message request consists a name and a type, col 11, ln 14-17/ parameters, col 18, ln 39-42), comparing the data types of input parameters of each method represented by the signatures to data types of input parameters passed by the requested method invocation to determine suitability of each method to receive input parameters( col 3, ln 39-46/ col 18, ln 3-45), invoking in response to the requested method invocation, the method of object oriented computing environment corresponding to the selected method signature( col 3, ln 1-7/ col 8, ln 20-25/ col 18, ln 40-45).

4. Travis does not teach ranking the method signature as a function comparison, selecting ... the rank. However, Nec teaches ranking the method signature as a function comparison, selecting ... the rank (value is compared for every member variable defined as this structure type, and size-related rank is performed (page 4/27, right col/ page 9/27, right col), perform search processing of index component (page 12/27, right col/ page 14/ 27, right col), returns retrieval result (page 17/ 27, right col).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Travis and Nec because Nec's value is compared for every member variable defined as this structure type, and size-related rank is performed apply, perform search processing of index component would improve the search efficiency and reduce the search cost about a structure type member variable.

6. **As to claim 7,** Travis teaches accessing a data type of the signature to the data type of the object oriented environment ordered by preference (col 26, ln 16-20 and ln 21-27).

7. **As to claims 12, 18,** they are apparatus claims of claims 1, 7; Therefore, they are rejected for the same reasons as claims 1, 7 above.

8. **As to claim 35,** Travis teaches each signature includes a method name (col 18, ln 34-38), the name of method in requested method invocation (col 11, ln 13-18/ col 13, ln 18, ln 39-45), each method represented by the signature corresponds to a method provided by the same object (col 3, ln 43-48/col 8, ln 19-25).

9. **As to claim 36,** it is apparatus claim of claim 35; therefore, it is rejected for the same reason as claim 35 above.

10. Claims 2, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, Jr. et al (US. Patent 5,341,478) in view of Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables) as applied to claim 1 above, and further in view of Admitted Prior Art (APA).

11. **As to claim 2,** Travis and Nec do not teach a mathematical tool. However, APA teaches a mathematical tool (conventional mathematical tools, page 1, ln 5-28).

12. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Travis, Nec and APA because APA's conventional mathematical tools would provide a comprehensive technical computing environment for performing numerical linear algebraic calculations.

13. **As to claim 13,** it is apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Travis et al (US. Patent 5,341,478) in view of Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables) as applied to claim 1 above, and further in view of Hartmut Poglheim (Genetic and Evolutionary Algorithm Toolbox for use with Matlab).

15. As to claim 5, Travis and Nec do not teach supper classes, calculation the fitness ranking, calculating difference in level within class. However, Poglheim teaches supper classes, calculation the fitness ranking, calculating difference in level within class (derived from the objective function (Fitness values, section 6.3), the fitness assigned to each individual depends only on its position /Rank-based fitness assignments, section 3.1).

16. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Travis, Nec and Poglheim because Poglheim's supper classes, calculation the fitness ranking, calculating difference in level within class would sort and select the method signatures that are based on the selection probability.

17. Claims 9, 16-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, Jr. et al (US. Patent 5,341,478) in view of Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables) as applied to claim 1 above, and further in view of Cantin et al (Persistent object-mapping in an object-oriented environment).

18. **As to claim 9,** Travis and Nec do not teach converting the input data types, converting return values from the method to data types supported by the computing environment. However, Cantin teaches converting the input data types, converting return values from the method to data types supported by the computing environment (page 9, ln 5-15 / page 6, ln 5-15).

19. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Travis, Nec and Cantin because Cantin's converting the input data types, converting return values from the method to data types supported by the computing environment would provide mapping data between an active file and permanent storage in an object oriented environment.

20. **As to claims 16-17, 19,** they are apparatus claims of claims 4-8; therefore, they are rejected for the same reasons as claims 4-8 above.

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, Jr. et al (US. Patent 5,341,478) in view of Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables) as applied to claim 1 above, and further in view of Bill Venners (Eternal Math).

22. **As to claim 10,** Travis, Nec do not teach the object-oriented environment include java virtual machine. However, Venners teaches teach the object-oriented environment include java virtual machine (java virtual machine, page 1-2).

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23. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Travis, Nec and Venners because Venners's the object-oriented environment include java virtual machine would make system for accessing externally defined objects from an array based mathematical computing environment more consistent.

24. Claims 23, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantin et al (Persistent object-mapping in an object-oriented environment) in view of Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables) and further in view of Travis, Jr. et al (US. Patent 5,341,478).

25. As to claim 23, Cantin teaches an interface (OPSS, page 2, ln 5-30), identifying (Persistent Id, page 2, ln 5-30), the object-oriented environment (object-oriented programming, page 2, ln 5-30), a technical computing environment method (PDS, page 2, ln 15-50/ page 15-25), a calculation workspace (the schemamapper, page 2, ln 37-54/ page 8, line 5-25), a command interpreter (an interpreter, page 2, ln 36-58), a signature selector (target selection, page 2, ln 36-58) an object (object, page 5, ln 1-10), an object-oriented environment ( Object-oriented programming, page 2, ln 1-11), reference to a method( data, a target, page 2, ln 36-58, the instance variables “ dog\_type/ type of persistent object, page 5, ln 1-25/ a persistent identifier( PID), page 8, ln 5-25), an object( a selected object, page 2, ln 37-57), invoking the method corresponding( invoking/ invoked an environment type in which said data is to be mapped, page 8, ln 30-55).

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26. Cantin does not teach ranking the method signature as a function, selecting ... the rank. However, Nec teaches ranking the method signature as a function, (selecting ... the rank value is compared for every member variable defined as this structure type, and size related rank is performed, page 4/27, right col/ page 9/27, right col), perform search processing of index component (page 12/27, right col/ page 14/ 27, right col), returns retrieval result (page 17/ 27, right col).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Cantin and Nec because Nec's value is compared for every member variable defined as this structure type, and size-related rank is performed apply, perform search processing of index component would improve the search efficiency and reduce the search cost about a structure type member variable.

28. Cantin and Nec do not teach the requested method invocation, data input parameters passed by the requested method invocation. However, Travis teaches a requested method invocation (the message entries ... which can be performed on instance in the corresponding class, col 3, ln 44-47/ the method of invocation request, col 24, ln 23-25), data input parameters passed by the requested method invocation (parameter of message request consists a name and a type, col 11, ln 14-17/ parameters, col 18, ln 39-42).

29. It woud have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Cantin, Nec and Travis because Travis's a requested method invocation, data input parameters passed by the requested method invocation would provide ability to invoke a server application by a client application.

30. **As to claim 37,** Travis teaches each signature includes a method name (col 18, ln 34-38), the name of method in requested method invocation (col 11, ln 13-18/ col 13, ln 18, ln 39-45), each method represented by the signature corresponds to a method provided by the same object (col 3, ln 43-48/col 8, ln 19-25).

31. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantin et al (Persistent object-mapping in an object-oriented environment), Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables), Travis (US. Patent 5,341,478 ) as applied to claim 23 above, and further in view of Admitted Prior Art (APA).

32. **As to claim 24,** Cantin, Nec, Travis do not teach a mathematical tool. However, APA teaches a mathematical tool (conventional mathematical tools, page 1, ln 5-28).

33. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Cantin, Nec, Travis and APA because APA's conventional mathematical tools would provide a comprehensive technical computing environment for performing numerical linear algebraic calculations.

34. **Claims 27-29, 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantin et al (Persistent object-mapping in an object-oriented environment), Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables), Travis et al (US. Patent 5,341,478) as applied

to claim 23 above and further in view of Hartmut Poglheim (Genetic and Evolutionary Algorithm Toolbox for use with Matlab).

**35.** **As to claim 27,** Cantin, Nec, Travis do not teach supper classes, calculation the fitness ranking, calculating difference in level within class. However, Poglheim teaches supper classes, calculation the fitness ranking, calculating difference in level within class (derived from the objective function (Fitness values, section 6.3), the fitness assigned to each individual depends only on its position /Rank-based fitness assignments, section 3.1).

**36.** It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Cantin, Nec, Travis and Poglheim because Poglheim's supper classes, calculation the fitness ranking, calculating difference in level within class would sort and select the method signatures that are based on the selection probability.

**37.** **As to claim 28,** Poglheim teaches calculating a difference in a number of dimensions (the number of individual in the population is used for calculation (section 3.1).

**38.** **As to claim 29,** Poglheim teaches a two-dimensional array storing (table 1: Dependency of fitness value from selective pressure (section 3,1).

**39.** **As to claim 34,** it is an apparatus claim of claim 28; therefore, it is rejected for the same reason as claim 28 above.

**40.** Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantin et al (Persistent object-mapping in an object-oriented environment), Nec (Index implementation method for object oriented database – involves comparing value for structure type member

variable to obtain size related rank for variables), Travis (US. Patent 5,341,478) as applied to claim 23 above, and further in view of Bill Venners (Eternal Math).

41. **As to claim 31**, Cantin, Nec, Travis do not teach the object-oriented environment include java virtual machine. However, Venners teaches teach the object-oriented environment include java virtual machine (java virtual machine, page 1-2).

42. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Cantin, Nec, Travis, Venners because Venners's the object-oriented environment include java virtual machine would make the system for accessing externally defined objects from an array based mathematical computing environment more consistent.

43. **As to claims 32, 33**, Venners teaches a java virtual machine / a java native interface (page 1-2).

44. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantin et al (Persistent object-mapping in an object-oriented environment) in view Nec (Index implementation method for object oriented database – involves comparing value for structure type member variable to obtain size related rank for variables), Travis (US. Patent 5,341,478) as applied to claim 23 above, and further in John W. Eaton (A High-level Interactive Language for Numerical Computations Edition 3 for Octave Version 2.1.x)

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45. **As to claim 30,** Cantin, Nec, Travis do not teach conventional table for convert.

However, Eaton teaches conventional table for convert (table of input conversions, page 18 of 23).

46. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Cantin, Nec, Travis and Eaton because Eaton's table of input conversions would summarize what the different conversion do.

***Allowable Subject Matter***

47. Claims 3-4, 6, 8, 11, 20-22, 14-15 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

January 14, 2005



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